

# **CHAPTER 7.**

## **IMPLEMENTATION**

### **Introduction**

The Comprehensive Plan is a policy document to guide Township decisions. Implementation of the Comprehensive Plan is an ongoing process and occurs through review of land use applications, ordinance updates, prioritization of capital expenditures, and additional study of planning issues. The Township may also need to review and amend the Comprehensive Plan as conditions change during the next 20 years.

The Implementation chapter addresses:

- Official Controls;
- Capital Improvements;
- Additional Planning; and
- The Plan amendment process.

## Official Controls

The Eureka Township Ordinances are the official controls used to implement the Comprehensive Plan.

Ordinance 1: General Provisions

Ordinance 2: Township Administration

Ordinance 3: Zoning

Ordinance 4: Public Safety

Ordinance 5: Livability

Ordinance 6: Mining

Ordinance 7: Fees

Ordinance 8: Enforcement of Ordinances

Ordinance 9: Watershed Management

**Ordinance 2010-3:** Standards and Permit Requirements for Subsurface Sewage Treatment Systems

**Ordinance 2010-5:** Regulating Subdivisions

The Township will evaluate its land use controls contained in the Ordinances for consistency with the Comprehensive Plan and Local Surface Water Management Plan. The Township will consider Ordinance amendments to implement the Plan, and if amendments are proposed, will use its adopted process for changing Ordinances.

The Zoning Ordinance is the primary land use control. The underlying zoning in all of Eureka Township is Agriculture District.

## Capital Improvements

The Township does not have a formal, five-year capital improvement program, as capital improvements are infrequent. The Township plans for any capital improvements as it establishes its annual budget, and as needed throughout the year. The Comprehensive Plan does not identify any specific capital improvements needed for its implementation. The Township will review capital expenditures that may arise as a result of implementing the Comprehensive Plan and Local Surface Water Management Plan. This may include investments in new infrastructure, infrastructure repair and replacement, building maintenance and repair, and other planned capital expenditures.

## Additional Planning

The Comprehensive Plan identifies planning efforts for the Township to consider after the Comprehensive Plan is adopted. The Township will consider completing the following study between 2018-2028:

### Commercial/Industrial Land Use Study

In 2011, the Township completed Phase I of a Commercial/Industrial Land Use Study. The study included a market study of the potential for commercial and industrial land uses in the Township, a resident survey, discussions with the Metropolitan Council staff, and open house

meetings to discuss proposed changes to the Township's land use plan. Based on the work completed in Phase I, the Task Force for the study recommended that the Township not move forward with Phase II of the study, based on the following finding:

- There was no concentration of interest in commercial/industrial development that would allow identification of a potential zoning district for new commercial and industrial uses.

The Task Force recommended that the Township review the findings of the Phase I study and seek input from landowners on this issue during the 2040 Comprehensive Plan.

Some landowners expressed interest in considering the designation of a commercial/industrial district during the development of the 2040 Comprehensive Plan. The Township may consider moving forward with Phase II of the land use study during 2018-2028. The tasks would include:

- Review the Phase I study and updating the Market Study
- Identify potential locations and boundaries of a Commercial/Industrial Zoning District, including analysis of environmental issues, transportation and access, potential uses to be allowed or permitted, infrastructure needs, potential impacts, permitting, performance standards, and fiscal and regulatory issues for the new zoning district.
- Discuss the options and issues with landowners and residents to determine if there is support to move forward with the new zoning district.
- Determining the preferred location, boundaries, and ordinance requirements for a new Commercial/Industrial Zoning District, and hold public hearings as needed.
- Complete a Comprehensive Plan Amendment to change the Agriculture zoning classification to the new zoning classification.

## **Comprehensive Plan Amendments**

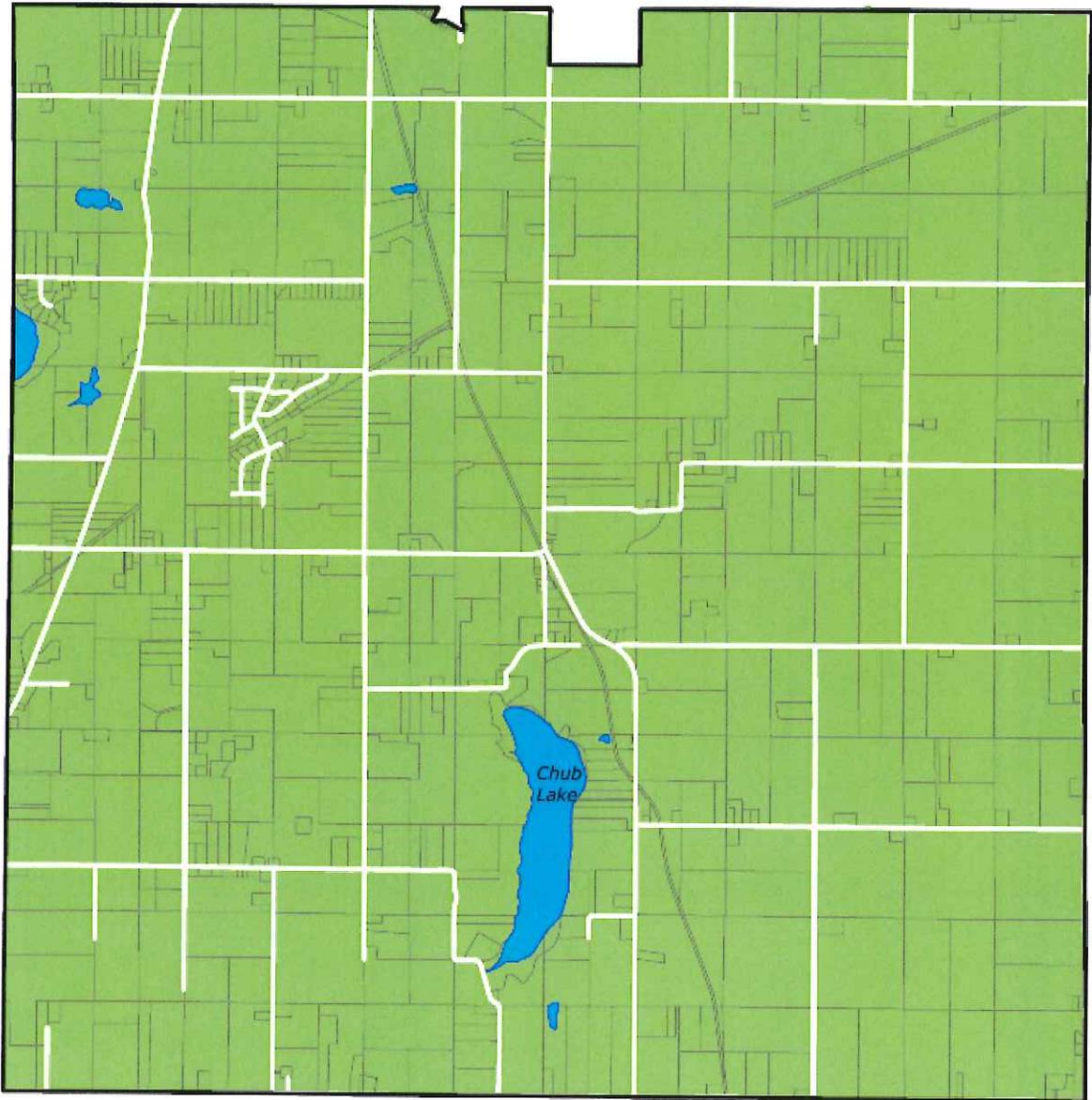
The Comprehensive Plan is intended to be general and flexible. However, formal amendments to the Plan will be required if land use or growth policies are revised. Plan amendments may be initiated by the Planning Commission, Town Board, or land owners. Periodically, the Township will review the Plan to determine if amendments are needed.

If a Plan amendment is pursued, the process will include opportunity for public comment. The Plan amendment process will meet requirements per state statute, including submittal of the amendment to the Metropolitan Council.

## **Zoning Map**

The Township will adopt a new zoning map consistent with the land use map in the 2040 Comprehensive Plan to implement the plan.

# Eureka Township Zoning Map



## Legend

 AG - Agricultural District

*Last updated on July 7, 2008*



444 Cedar Street, Suite 1500  
Saint Paul, MN 55101  
651.292.4400  
tkda.com

## Memorandum

<b>To:</b>	<u>Eureka Township Planning Commission</u>	<b>Reference:</b>	<u>Options for Zoning Process for Commercial/Industrial Uses</u>
<b>Copies To:</b>	<u>Mira Broyles, Township Clerk</u>	<b>Project No.:</b>	<u>15744.000</u>
<b>From:</b>	<u>Sherri Buss, RLA AICP, Planner</u>	<b>Routing:</b>	<u></u>
<b>Date:</b>	<u>September 6, 2016</u>		<u></u>

### Background

The Eureka Township Board has received requests from some landowners to rezone a number of parcels for commercial or industrial uses. The entire Township is currently zoned for agricultural uses. The Township has permitted some commercial uses in the past with conditional use permits.

This memo discusses the approaches, tasks, and timeline that would be needed to identify a rural commercial/industrial district, rezone the proposed area (no municipal sewer or water services), and update the Township's zoning ordinance and comprehensive plan to permit this new district. Three approaches could be used:

1. Amend the current zoning map, zoning ordinance, and 2030 Comprehensive Plan to include a new commercial/industrial district and the regulations for the district
2. Propose the new district in the land use plan for the 2040 Comprehensive Plan, and amend the zoning ordinance to include the new district
3. Include a goal to study the creation of a new commercial/industrial district in the 2040 Comprehensive Plan, and complete the process to create the new district and zoning ordinance update as an amendment to the 2040 Plan.

A first step in each process should include a review of the *Commercial/Industrial Land Use Study Phase 1 Summary Report (2011)*, and complete portions of Phase II of the study as needed. The 2011 study included a market study for commercial and industrial uses, resident surveys, discussions with the Metropolitan Council, and an open house meeting. The Task Force for the study reached the following conclusions:

- At the time of the study, there was no concentration of parcels with landowner interest in commercial/industrial zoning that would permit identification of a potential zoning district.
- The market for commercial and industrial uses in the Township was limited at the time of the study. Adjacent communities (Lakeville and Farmington) had large sewer areas available and "shovel ready" for commercial and industrial development. The list of uses that could be developed in a rural district was limited.
- Township landowner support for a commercial/industrial district was mixed. The resident survey found that 45% of residents supported a new commercial and industrial

zoning district at some time in the future, 32.5% opposed this new district, and 21% said that they might support a new district depending on the location, type of businesses, and impacts of the businesses.

- The Township could review the Phase 1 study in the future to determine if the market and local interest in creating a commercial/industrial zoning district had changed.

### Metropolitan Council Comments

The Planner asked Patrick Boylan, the Metro Council sector representative for Eureka Township about the potential request to create a commercial/industrial zoning district in the Township. Patrick's comments included the following:

- The district would need to be a rural commercial/industrial zoning district, with no municipal sewer and water services for the proposed uses while the Township is in the Council's Agricultural classification. Sewer and water services could only be provided to uses in the Township if it changed to an Urban Classification. The Planner described the process to change to an Urban Classification in a previous memo, and this would be long and challenging process.
- The Metropolitan Council could support a rural commercial/industrial district if the proposed uses were clearly agricultural-related uses, such as landscape businesses. The Council would need more information and a longer time to consider whether it would approve the district as consistent with the Township's classification and land use plan if it included proposed uses that were not Agricultural in nature.
- The Township needs to complete its Draft 2040 Comprehensive Plan by early 2018 in order to complete the required review and adoption process. The Township may need more than 1 year to identify the proposed new district, identify uses, develop standards, and discuss the issue with residents and the Metro Council. If the process is likely to take more than 1 year, it may be better for the Township to pursue Option 3, below.

## **PROCESS TO CREATE A NEW COMMERCIAL/INDUSTRIAL ZONING DISTRICT IN EUREKA TOWNSHIP**

The Planner identified 3 processes that could be used to create a new commercial/industrial zoning district in Eureka Township:

### **Option 1: Amend the current zoning map, zoning ordinance, and 2030 Comprehensive Plan prior to adoption of the 2040 Comprehensive Plan**

This option would include the following tasks:

1. Identify the proposed district by identifying the specific parcels to be included in the district. The zoning district needs to be a continuous area, and needs to be large enough to avoid "spot zoning." The Board would need to work with landowners interested in rezoning to identify the specific parcels and area within the Town to be included in the district.
2. Create the proposed zoning map.
3. Create an amendment to the zoning ordinance to include the requirements and standards for the new district:
  - a. A list of the uses to be included in the new district and required permits—the list should specify the allowed uses, uses with a CUP, IUP, or other permits
  - b. Definitions for the new uses

- c. Standards for the district such as minimum lot size, setbacks, building height standards, impervious cover, etc.
- d. Performance standards for each new use, such as screening requirements, minimum lot size requirements, etc.
4. Hold required public hearings on the proposed zoning map and ordinance amendments
5. Discuss the proposed change in land use and zoning with the Metropolitan Council
6. Adopt the zoning map and zoning ordinance amendments
7. Complete a Comprehensive Plan Amendment and get the amendment approved by the Metropolitan Council

Some issues to consider:

- Consideration of enforcement of zoning standards in the new District. Some Townships in the Metro Area that have commercial/industrial zoning districts have found that these districts create more zoning and enforcement issues than any other district in the Township. Common issues include: lack of compliance with standards, landowners selling their property to a new owner with a different use that is not allowed in the district, landowners renting all or part of the property or buildings to a use that is not allowed in the district, neighbors' complaints about noise, outdoor storage, traffic, hours of operation, etc.

The Township should consider how it will enforce its zoning standards in a commercial/industrial district, and if it has the resources to respond to complaints and monitor compliance.

- Timeframe: estimate a minimum of 1 year to complete the zoning map and ordinance updates and Comprehensive Plan Amendments after the Township determines the boundaries of the new district and parcels to be included. The Planner cannot estimate the time it will take the Township to identify the proposed new district, particularly if the proposed district location and regulations are controversial.

If the Township will need more than 1 year to determine the new district and adopt the new zoning map, it may be preferable to use Option 2 or 3 since the Draft 2040 Comprehensive Plan must be completed by late 2017 or early 2018 in order to be adopted by the end of 2018.

- Costs: the Township may need professional mapping and planning services to complete the new zoning map, ordinance amendments, and comprehensive plan amendment. The Township will need to consider whether the landowners that have proposed the new district or the Township will bear the costs to complete the required zoning and comprehensive plan amendments.

### **Option 2: Propose the new district in the 2040 Comprehensive Plan**

The new commercial/industrial zoning district could be proposed in the Proposed Land Use Plan for the 2040 Comprehensive Plan. Steps in this process would include:

1. Identify the proposed district by identifying the specific parcels to be included in the district. The zoning district needs to be a continuous area, and needs to be large

enough to avoid “spot zoning.” The Board would need to work with landowners interested in rezoning to identify the parcels to be included in the district.

2. Identify the proposed uses and requirements for the new district so that local residents and the Metropolitan Council understand the nature and impacts of the new district.
3. Discuss the proposed district with the Metropolitan Council and its fit with the Agricultural community designation
4. Create the proposed land use and zoning map that identify the new district
5. Create an amendment to the zoning ordinance to include the requirements and standards for the new district:
  - o A list of the uses to be included in the new district and required permits—the list should specify the allowed uses, uses with a CUP, IUP, or other permits
  - o Definitions for the new uses
  - o Standards for the district such as minimum lot size, setbacks, building height standards, impervious cover, etc.
  - o Performance standards for each new use, such as screening requirements, minimum lot size requirements, etc.
6. Hold required public hearings on the proposed zoning map and ordinance amendments
7. Adopt the map and zoning ordinance amendments.
8. Complete the Comprehensive Plan process

Timeline: As noted above, the Draft 2040 Comprehensive Plan needs to be completed by late 2017 or early 2018, so the process to create the new district and regulations and review them with the Metropolitan Council would need to be completed in 2017.

Costs: The creation of new land use and zoning maps would be part of the current Comprehensive Plan budget. However, costs related to determining the new zoning district location and creating the amendments to the Township’s zoning ordinance are not covered by the Comprehensive Plan budget.

**Option 3: Propose a study of commercial industrial zoning (update of the 2011 study) in the 2040 Comprehensive Plan, and complete the study after the adoption of the Comp Plan in late 2017 or 2018**

The Township could include a goal in the 2040 Comprehensive Plan to study the need for, location of, and regulations for a commercial/industrial zoning district.

The study would include the same steps as Option 1. It could be started in 2017 if desired, and completed any time after the adoption of the 2040 Comprehensive Plan.

The timeline and costs would be similar to Option 1.

**EUREKA TOWNSHIP PLANNING COMMISSION**  
**September 13, 2016**  
**Eureka Town Hall**  
**7:00 to 9:00 p.m.**

**AGENDA**

1. Meeting Summary for August 9 meeting
2. Memo on potential Commercial/Industrial Zoning and Comprehensive Plan process
  - Discuss attached memo and changes for presentation to Board
3. Discuss Draft Plan (link sent prior to August meeting) and Next Steps

**Eureka Township Planning Commission  
Meeting Summary  
August 15, 2016**

**Attendees:** Nancy Sauber, Chair, Fritz Frana, Randy Wood, Ralph Fredlund, Planning Commission members; Sherri Buss, TKDA, Planner

**1. Meeting summary from June 14, 2016**

The Commission reviewed the meeting summary for the June 14 meeting and approved the summary.

**2. Review of Draft Local Surface Water Management Plan**

The Metropolitan Council requires the Township to include a Local Water Management Plan (LWMP) in its 2040 Comprehensive Plan. The plan must be consistent with the Council's regional plan for water resources and with the Water Management Plans of the North Cannon River WMO and Vermillion River Watershed JPO.

The Commission reviewed the draft of the LWMP and provided the following comments:

- The Ordinance implementing the VRWJPO rules (Chapter 2 of Ordinance 9) must be submitted with the LWMP, and should be available from the Township Clerk. It is among the ordinances being re-codified by the attorney. Sherri will request a copy of the ordinance from the clerk.
- The Commission identified several edits and corrections to the Table of Contents and text of the document.
- Nancy provide a complete list of acronyms used in the plan that should be added to the Acronyms List
- The Township's ordinance regarding shoreland regulation should be added on page 2
- The reference to 1 unit per 40 acres density should be changed to quarter-quarter section
- Sherri will check the VRWJPO plan to determine if the term fecal coliform should be changed to e coli.
- References to the time period "mid 2000's" should be changed to 2000-2010 to avoid confusion
- The "Local Goals and Policies" will include new bullets related to review of Agricultural Preserves applications for erosion issues, and to education of Township residents on water resource stewardship programs and actions
- Sherri will review the Subdivision Ordinance to determine if it includes requirements related to surface water management; if not, the references will be removed in the Implementation section
- The new numbers of Township Ordinances will be added in the Appendices when the re-codification is complete

### **3. Review of Draft Chapter 7, “Implementation”**

The Commission reviewed the changes made to Chapter 7 (Implementation), and made the following comments:

- The ordinance numbers listed in this chapter will be changed when the re-codification is complete
- The “additional planning” section should be changed to include Phase 2 of the Commercial-Industrial Land Use and Zoning study.
- Commission members noted that the Board has recently heard a request to rezone several properties for Commercial/Industrial Use. The Commission members suggested that this study may best be completed as a Comprehensive Plan amendment to the 2040 Comp Plan, to allow sufficient time to identify the proposed zoning district, allowed and permitted uses, and performance standards, and to complete the required Comp Plan amendment process with the Metropolitan Council
- Commissioners requested that Sherri draft a memo to the Town Board for their October meeting summarizing the status of the Draft 2040 Comp Plan and steps that would be needed to rezone a portion of the Agriculture District to a Commercial Industrial District.

### **4. Next Meeting**

The next meeting of the Planning Commission will be held on September 13. The Commission will review a memo regarding the proposed creation of a commercial/industrial zoning district and coordination with the 2040 Comp Plan process.

The Commission schedule includes a potential public meeting/open house on the draft plan in late October or early November.